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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,326	08/01/2003	Raymond J. Gallagher III	GALLR-63168	5578

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EXAMINER
HOFFMAN, BRANDON S

ART UNIT	PAPER NUMBER
2136	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	**Applicant(s)**
Office Action Summary	10/631,326	GALLAGHER, RAYMOND J.
	Examiner	**Art Unit**	
	Brandon S. Hoffman	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>8-1-03</u>
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-30</u> is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-30</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>01 August 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date <u>12-22-03</u>.
4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statement (IDS) submitted on December 22, 2003, is

in compliance with the provisions of 37 CFR 1.97. Accordingly, the information

disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   <u>Claims 1-30</u> are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

4.   The term "truly random" in claims 1, 15, 16, and 30 is a relative term which

renders the claim indefinite. The term "truly random" is not defined by the claim, the

specification does not provide a standard for ascertaining the requisite degree, and one

of ordinary skill in the art would not be reasonably apprised of the scope of the

invention.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

6.   Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Reeds, III (U.S. Patent No. 5,724,427).

Regarding claims 1, 15, 16, and 30, Reeds, III teaches a system/method for converting a message into a patternless encrypted message, wherein the message includes a plurality of message elements, comprising:

- Encrypting software (fig. 2),

    o Which comprises an encryption substitute set, for converting the message into the patternless encrypted message (fig. 3),

- Adapted to generate a table of substitutes for each message element (col. 6, line60 through cool. 7, line 19),

    o Wherein the table is comprised of a plurality of truly random set elements to be assigned to each of the plurality of message elements (col. 7, lines 20-31); and

- Wherein the encryption software comprises multiple shiftkey replacements (fig. 4, ref. num 430).

Regarding claims 2 and 17, Reeds, III teaches further comprising formatting software, adapted to be applied to the patternless encrypted message for transmission thereof to a recipient, and further comprising applying the formatting software to the patternless encrypted message for transmission thereof to a recipient (fig. 1, ref. num 130).

Regarding claims 3 and 18, Reeds, III teaches wherein the encryption software is the same for all users thereof, and wherein encrypting further comprises encrypting the message by the encryption software which is the same for all users thereof (col. 7, lines 25-37).

Regarding claims 4 and 19, Reeds, III teaches wherein the encryption software is calculated for each message, and wherein encrypting further comprises encrypting the message by the encryption software which is calculated for each message (col. 7, lines 15-19).

Regarding claims 5 and 20, Reeds, III teaches wherein the table is fixed, in that the number of substitutes for each element of the set in the multiple shiftkey replacement is fixed independent of the message, and wherein the message is in a language, and the number of set element substitutes is pre-calculated based on the language, and wherein generating further comprises generating the table of substitutes which is fixed, including fixing the number of substitutes for each element of the set in the multiple shiftkey replacement independent of the message, and pre-calculating the number of set element substitutes based on the language of the message (col. 7, line 51 through col. 8, line 6).

Regarding claims 6, 9, 21, and 24, Reeds, III teaches wherein the encryption software is a ratio, in that the number of substitutes for each element of the set in the multiple shiftkey replacement is a ratio of the frequency of each message element in a

medium, and wherein calculating further comprises generating the table of substitutes wherein the number of substitutes for each element of the set in the multiple shiftkey replacement is a ration of the frequency of each message element in a medium (col. 10, lines 40-50).

Regarding claims 7, 10, 22, and 25, Reeds, III teaches wherein the message is in a language, and the table generated by the encryption software is calculated based on the message language, and wherein calculating further comprises generating the table of substitutes by the encrypted software based on the message language (col. 6, lines 19-23 and col. 10, lines 30-35).

Regarding claims 8, 11, 23, and 26, Reeds, III teaches wherein the table generated by the encryption software is calculated based on the message, and wherein calculating further comprises generating the table of substitutes by the encrypted software based on the message (col. 7, lines 20-25).
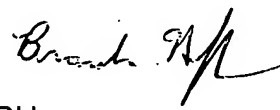
Regarding claims 12, 13, 27, and 28, Reeds, III teaches wherein the medium comprises the message language, and wherein calculating further comprises generating the table of substitutes wherein the number of substitutes for each element of the set in the multiple shiftkey replacement is a ratio of the frequency of each message element in the message language medium (fig. 7, ref. num 735 and col. 10, lines 40-50).

Regarding claims 14 and 29, Reeds, III teaches wherein the medium comprises the message, wherein calculating further comprises generating the table of substitutes wherein the number of substitutes for each element of the set in the multiple shiftkey replacement is a ratio of the frequency of each message element in the message medium (fig. 7, ref. num 735 and col. 10, lines 40-50).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon Hoffman whose telephone number is 571-272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BH

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1/17/07